

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,
v.

Civil Action
No. 99-2496 (GK)

PHILIP MORRIS INCORPORATED,

et al.,

Defendants.

O R D E R # 37
Eighth Case Management Order
Setting Pre-Trial Schedule

Upon consideration of the parties' numerous case management submissions, the oral representations of counsel, and the entire record herein, it is this 17th day of November 2000

ORDERED, that the following schedule shall govern this case:

1. All written discovery shall take place from December 1, 2000, until December 1, 2001.

2. All deposition discovery shall take place from April 1, 2001, until August 1, 2002.

3. The Initial List of Fact Witnesses shall be submitted no later than July 1, 2001.

4. The Initial List of Expert Witnesses (with resumes, all publications written within the preceding ten years, and a listing of cases in which the witness has testified as an expert at trial or by deposition within the preceding four years) shall be submitted no later than August 1, 2001.

5. All Reports of Expert Witnesses shall be submitted no later than September 15, 2001.¹

6. A Final List of Fact Witnesses shall be submitted no later than December 1, 2001.²

7. A Final List of Expert Witnesses (with resumes, reports, all publications written within the preceding ten years, and a listing of cases in which the witness has testified as an expert at trial or by deposition within the preceding four years) shall be submitted no later than February 1, 2002.³

8. All Fact Witness discovery shall conclude no later than July 1, 2002.

9. All Expert Witness discovery shall conclude no later than August 1, 2002.

10. All summary judgment motions shall be filed no later than October 15, 2002, and fully briefed no later than January 1, 2003.

11. Pre-trial conferences shall be held on March 1, 2003; April 1, 2003; May 1, 2003; and June 1, 2003.

12. Trial shall commence on July 15, 2003.

¹ Any Expert Witness for whom a Report is not submitted by this date will be struck, absent extraordinary good cause.

²

If the Final List varies from the Initial List by more than 10% (plus or minus), such variation will be considered prima facie evidence that the Initial List was not submitted in good faith for purposes of considering the imposition of sanctions.

³ Id.

The schedule announced in this Order is predicated on the current status of the Complaint, that is, as modified by the Court's Memorandum Opinion and Order of September 28, 2000, dismissing Counts I and II of Plaintiff's Complaint. Should any party obtain interlocutory or other relief from that ruling, the dates set forth in this Order shall be subject to modification to reflect the impact of such relief on discovery in this case.

The Court anticipates that there will be further Case Management Orders which deal more specifically with other issues, such as procedures for resolving discovery and privilege disputes, after these issues have been further refined and developed by the parties and/or a neutral.

Further, as the Court indicated orally during the November 2, 2000 hearing, it is ORDERED that:

1. The parties shall not contact Chambers with questions or concerns they have regarding the filing of documents in the Clerk's Office. The parties are instead directed to contact Greg Hughes, Chief Deputy of Operations in the Clerk's Office, at 202/354-3191.

2. The parties shall not make ex parte telephone calls to Chambers, except in emergencies.

3. When the parties file documents in the Clerk's Office, they shall include only one original and one copy, pursuant to LCvR 5.1(c). Any additional courtesy copies of documents must be hand-delivered to Chambers directly.

4. The parties shall not file any document, nor send a courtesy copy to Chambers of such a document, less than 48 hours prior to any court proceeding, unless expressly ordered to do so by the Court.

/s/
Gladys Kessler
U.S. District Judge

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